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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Henri Winand

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EXAMINER

PREVIL, DANIEL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,543	Applicant(s) WINAND ET AL.	
	Examiner DANIEL PREVIL	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-136 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70-136 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/29/06; 5/5/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 70-136 are objected to because of the following informalities: Claims 70, 109 the limitation “that incident does not have a corresponding match” in both occurrences, is not a positive limitation but only require the ability to so perform. Appropriate correction is required.

Claims 71-108, 110-136 are objected for the same reason, since they depend from an objected claim.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 70-136 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 70, 109, the phrase “thereby” in both occurrences, renders the claim vague and indefinite.

Regarding claims 70, 109, the limitation “the matches” in both occurrences, lacks of the antecedent basis for this limitation in the claim.

Regarding claims 70, 109, the limitation “thus” in both occurrences, renders the claim vague and indefinite.

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Regarding claims 70, 109, the limitation “that” in both occurrences, renders the claim vague and indefinite.

Claims 71-108, 110-136 are rejected for the same reason, since they depend from rejected claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 70-97, 102-132, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovach (US 2004/0124982) in view of Cash et al. (US 2002/0134836).

Regarding claims 70, 109, 103-107, 131, Kovach discloses a method of assisting the passage of an entity, the entity being a person, through successive zones to a destination (page 3, [0027-0028]), including the steps of: associating an identifier with said entity (page 3, [0028]); creating a plurality of required incidents for said entity, each required incident having a place reference and a time reference associated with it, the required incidents including a final incident for which the place reference is the destination and the time reference is a predetermined time (page 3, [0027]); at intervals, detecting the presence of said entity in one of said zones and the time of said presence,

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thereby generating a match (page 2, [0022]; page 3, [0028-0029]; registering correspondences between the matches thus-generated and said required incidents (page 3, [0023]).

Kovac discloses all the limitations set forth above but fails to explicitly disclose generating an alert for the entity when the time reference for a required incident is reached and that incident does not have a corresponding match.

However, Cash discloses generating an alert for the entity when the time reference for a required incident is reached and that incident does not have a corresponding match (page 3, [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cash into Kovach's system in order to accurately seeking the whereabouts of the bags thereby recovering easily lost or misdirected baggage.

Regarding claims 71, 110, Kovach discloses wherein the alert is directed to and delivered to the person (page 3, [0024]).

Regarding claims 72, 111-112, Kovach discloses wherein a plurality of said zones are areas within a travel interchange (page 3, [0028]).

Regarding claim 73, Kovach discloses wherein the travel interchange is any one the group comprising an airport, a shipping port, a bus station or a railway station (abstract; page 3, [0028]).

Regarding claim 74, Kovach discloses wherein the destination is a departure gate

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(page 4, [0033]).

Regarding claims 75, 113, Kovach discloses wherein at least one zone is outside the interchange (page 4, [0033]).

Regarding claims 76, 114, Kovach discloses wherein the identifier is a wireless identification tag (page 2, [0019]).

Regarding claims 77, 115, Kovach discloses wherein the tag is a passive tag and is energised by a transmitted signal (page 2, [0014]).

Regarding claims 78-79, Kovach discloses wherein there are a plurality of entities, including at least one person, and at least a pair of those entities are associated with each other (page 2, [0019]).

Regarding claims 80-82, 123-124, Kovach discloses wherein the step of generating an alert includes broadcasting a message (page 3, [0024]).

Regarding claim 83, Kovach discloses wherein the step of generating the alert uses stored details about the entity (abstract).

Regarding claims 84, 86-90, Kovach discloses adjusting the time reference of required incidents in response to a change in local conditions (page 3, [0028]).

Regarding claim 85, Kovach discloses wherein the step of creating a plurality of required incidents creates the time references for those required incidents based on data about the entity (page 3, [0027-0029]).

Regarding claims 91, 102, Kovach discloses detecting is only carried out at defined locations (page 3, [0028]).

Regarding claims 92-94, Kovach discloses wherein the defined locations comprise

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one or more of the group comprising a check-in, a passport control, a metal detector, an X-ray machine and a departure gate (page 3, [0028]).

Regarding claim 95, Kovach discloses wherein at least one of said defined locations is an area through which every entity must pass in order to reach a destination (page 3, [0028]).

Regarding claim 96, Kovach discloses wherein the step of detecting is carried out at locations comprising any one of the group comprising a retail entrance or exit, a toilet or rest- room entrance and a restricted area entrance (page 3, [0027]).

Regarding claim 97, Kovach discloses wherein data regarding usage of the facility where the step of detecting is carried out is stored and analysed (page 3, [0029]).

Regarding claims 108, 132, kovach discloses wherein the secondary detection means is any one of the group comprising an infra-red detector, a video sensor a light beam (visual in page 2, [0022]).

Regarding claims 116-117, Kovach discloses wherein the detectors are radio sensors (abstract; fig. 2).

Regarding claims 118, 121, Kovach discloses wherein the detectors can determine the direction of the identifier from the detectors (provide gate directions in fig. 2).

Regarding claims 119-120, Kovach discloses wherein a plurality of sensors are arranged close to boundary between two zones in such a way as to provide unconditional determination of which zone the identifier is in (fig. 2).

Regarding claims 122, 128-129, Kovach discloses choke point (check point in page 2, [0021]).

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Regarding claims 125-127, 130, Kovach discloses wherein at least one storage is part of a digital computer (fig. 2; page 2, [0020]).

6. Claims 98-101, 133-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovach in view of Cash as applied to claim 70 above, and further in view of McManus et al. (US 2003/0102956).

Regarding claims 98-101, 133-136, Kovach and Cash disclose all the limitations set forth in claim 70 but fail to explicitly disclose setting a limit for the number of people permitted in at least one of said zones; counting the number of people in said zone; comparing said number to said limit; and creating a signal when the number exceeds said limit or when the number approaches said limit to enable restriction of the number of people moving into said zone.

However, McManus discloses setting a limit for the number of people permitted in at least one of said zones; counting the number of people in said zone; comparing said number to said limit; and creating a signal when the number exceeds said limit or when the number approaches said limit to enable restriction of the number of people moving into said zone (page 3, [0030]; page 4, [0040]; page 5, [0045]).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McManus into Kovach and Cash's system to diminish activities in a public area thereby improving the safety of the system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawamata (US 6,338,041) discloses passenger management system.

Brunetti et al. (US 6,507,278) discloses ingress/egress.....areas.

Jenkins et al. (US 7,253,727) discloses security checkpoint.

Ahlstrom et al. (US 6,222,452) discloses electronic identification tag.

Ambrefe, Jr. (US 6,888,460) discloses advertising trays for security screening.

Theimer et al. (US 5,627,517) discloses decentralized-----active tags.

Zimmerman (US 6,342,836) discloses proximity and sensing system for baggage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL PREVIL whose telephone number is (571)272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP
February 10, 2009.

/Daniel Previl/
Examiner, Art Unit 2612